

VZCZCXRO7777  
OO RUEHCHI RUEHCN RUEHDT RUEHHM  
DE RUEHBK #0114/01 0141016  
ZNY CCCCC ZZH  
O 141016Z JAN 10  
FM AMEMBASSY BANGKOK  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 9573  
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY  
RUEHBJ/AMEMBASSY BEIJING PRIORITY 7870  
RUEHBY/AMEMBASSY CANBERRA PRIORITY 0303  
RUEHUL/AMEMBASSY SEOUL PRIORITY 6101  
RUEHKO/AMEMBASSY TOKYO PRIORITY 2232  
RUEHVN/AMEMBASSY VIENTIANE PRIORITY 5956  
RUEHWL/AMEMBASSY WELLINGTON PRIORITY 0263  
RUEHCHI/AMCONSUL CHIANG MAI PRIORITY 7501  
RUEHGV/USMISSION GENEVA PRIORITY 2207  
RHHMUNA/CDR USPACOM HONOLULU HI PRIORITY  
RUEKJCS/SECDEF WASHINGTON DC PRIORITY  
RHEFDHS/DIA DHS WASHINGTON DC PRIORITY  
RUEAIIA/CIA WASHINGTON DC PRIORITY  
RHEHNSC/NSC WASHINGTON DC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 BANGKOK 000114

SIPDIS

GENEVA FOR RMA

E.O. 12958: DECL: 01/14/2020  
TAGS: [PGOV](#) [PHUM](#) [PREL](#) [PREF](#) [TH](#)  
SUBJECT: THAILAND: MFA REACTS STRONGLY TO AMBASSADOR'S  
OP-ED ON HMONG PUSHBACK

REF: 09 PARTO 006 (AUGUST 2)

BANGKOK 00000114 001.2 OF 003

Classified By: Ambassador Eric G. John, Reasons 1.4(b) and (d)

11. (C) Summary: Ambassador's opinion piece on the repatriation of the Lao Hmong in the Bangkok Post on January 13 triggered an immediate reaction from the RTG (full op-ed text included at para 7). The PM's office and MFA called first thing in the morning. PermSec Theerakul tasked the MFA Americas division to summon the DCM to hear their protest in the afternoon, then phoned the Ambassador mid-day to register his concerns personally. Although the RTG recriminations focused primarily on the means rather than the message, the Ambassador and DCM used the opportunity to express USG disappointment with the RTG repatriation action December 28. Both reiterated specific repeated broken promises from the highest levels on down, and emphasized that the RTG continued to balk on providing the promised list of the "screened in" at Petchabun that had been promised for over a year. PM Deputy Secretary General Panitan called the Ambassador January 14 to inform him that PM Abhisit would address the Hmong issue in his annual Foreign Correspondents Club of Thailand (FCCT) dinner speech on January 14. The Ambassador responded to Panitan that he stood by the article, and reiterated the reasons why the USG was disappointed with RTG actions. End Summary

BANGKOK POST OP-ED PIECE GRABS RTG ATTENTION  
-----

12. (C) Ambassador's op-ed on the Thai repatriation of the Lao Hmong appeared in the Bangkok Post on January 13, 2009, and the RTG reaction was immediate. There were early morning calls from the PM's office and the MFA; PermSec Theerakul called Ambassador mid-day, and the Acting Americas Director-General Apirak called DCM in later that afternoon.

13. (C) PermSec Theerakul told the Ambassador that the op-ed would cause problems for the government. He complained that the RTG had given the U.S. the meetings it had requested and had taken appropriate steps; thus the article should not have been written as it was. The Ambassador responded by referring

to the assurances that PM Abhisit had given Secretary Clinton in July that there would be no large-scale involuntary repatriation (reftel).

14. (C) The last minute meetings referenced had not been successful because of the subsequent actions of the RTG, Ambassador explained. Specifically, the RTG went ahead with the repatriation, including all of the Nong Khai UNHCR-designated Persons of Concern immediately after we had interviewed them. Further, the Thai authorities had still not provided the list of the reportedly "screened in" group at Petchabun, despite repeated promises over a period of more than a year. Finally, the two specific cases of special humanitarian concern from Nong Khai (involving three young siblings separated from their parents, and a young female survivor of sexual abuse by the Lao military) had been sent back to Laos, even after PM Abhisit had personally approved their remaining in Thailand.

DCM REITERATES THE MESSAGE  
-----

15. (C) In Acting DG Apirak's meeting with the DCM later that afternoon, the emphasis was on the medium used to convey U.S. opinions. It was suggested that it would have been more appropriate if the Embassy's Public Affairs section had disseminated a press release. The DCM responded that he did not see the difference.

16. (C) The DCM clarified the need for a public U.S. response. First, he explained that a media statement was necessary because our position had been poorly represented in the press to date. He specifically referred to the recent Bangkok Post

BANGKOK 00000114 002.2 OF 003

op-ed piece on the Hmong co-written by a prominent Thai academic and a military general, and the repeated public assertions that the USG was somehow culpable for not moving forward on resettlement. DCM also enumerated the various instances in which the RTG had failed to live up to its assurances: Abhisit's promise to Secretary Clinton; the failure in providing the list of "screened in" Hmong at Petchabun; the informal assurances over many months that the "screened-in" population would be held back; and the claims of the Supreme Command that the GOL would facilitate resettlement from Laos by measures such as keeping the Nong Khai group separate. The DCM also cautioned that Congress would soon be back in session and that there might be further repercussions.

17. (U) The full text of the op-ed, as it appeared in the Bangkok Post, follows:

Since the end of the Indochina conflict in 1975, Thailand has been a generous host to hundreds of thousands of refugees fleeing conflict and political persecution in the region. Many of these people endured terrible hardships and literally fled for their lives. These people, and the international community, will be forever grateful that Thailand was there in their time of need. Thailand was not left to shoulder this burden alone, however as international agencies stepped in to construct housing, provide medical services, and distribute food. Moreover, almost half a million men, women and children who entered Thailand seeking temporary refuge status have been ultimately resettled in the U.S. and other countries. Most recently, in 2004-2005, the U.S resettled 14,000 Lao Hmong who had been sheltered in a temple at Wat Tham Krabok. Since that program, we agreed with the Royal Thai Government to begin large-scale resettlement for the ethnic minority Burmese refugees resident in the nine established camps along the border. Over 50,000 people have left Thailand for new lives in the U.S. since 2005.

It is against this background of historical generosity and cooperation that the U.S. was disappointed at the Thai decision to deport 4,509 Lao Hmong asylum seekers back to

Laos on December 28, 2009, despite clear indications that some in the group required protection. The asylum seekers were divided into two groups: 4,351 detained in an army-run camp in Huay Nam Khao, Petchabun Province, and 158 people in an Immigration Detention Center (IDC) in Nong Khai Province who were recognized by the United Nations High Commissioner for Refugees (UNHCR) as Persons of Concern.

We consulted for many months with our Thai civilian and military partners regarding the best way to identify people who needed protection among the Petchabun group. We agreed with our Thai friends not to begin a resettlement program for the entire group, as was done in Wat Tham Krabok, due to the Thai concern that it would act as a magnet for more arrivals from Laos. However, we remained concerned that some in the camp had legitimate protection concerns and should not be forced to return. We encouraged participation by UNHCR, the organization with the international mandate for making such determinations, and informed the Royal Thai Government that we would consider for resettlement in the U.S. any cases referred to us. However, the Royal Thai Government denied UNHCR access to the camp's population.

Instead, in January 2008, the Royal Thai Government assured us that it had conducted its own screening process, during which about 800 people were identified as having protection concerns and should not be returned to Laos involuntarily. Despite repeated requests, that list of 800 people was never provided to UNHCR or to any potential resettlement country. On December 28th, this "screened in" group was returned to Laos, along with others that the Royal Thai Government had determined were economic migrants without protection concerns. The lack of transparency during the repatriation process made it impossible to determine if the return was

BANGKOK 00000114 003.2 OF 003

voluntary. At no point were those in need in protection identified to the UN, the United States, or any other resettlement country, even though the United States and other resettlement countries were fully prepared to consider for resettlement appropriate cases in need of third country resettlement.

The group detained in the Nong Khai immigration detention center for over three years - which included 87 children - had been screened by UNHCR prior to their imprisonment and determined to have refugee status. Under international law, UNHCR-recognized refugees should not be forcibly returned to their country of origin. In 2007, UNHCR referred the 158 people to the U.S. (and several other countries) for resettlement. We requested access numerous times to the refugees to begin the resettlement process. However, until the actual day of deportation, that access was denied. By then, it was too late: within several hours of our initial interviews, and with several steps still remaining in the resettlement process, the entire group had been returned to Laos. All the refugees we interviewed in Nong Khai told us on December 28th that they did not wish to return to Laos, clearly indicating that the return was involuntary.

The U.S. Refugee Admissions Program was available to consider referrals of individuals from this community who were deemed to merit refugee status, as it does elsewhere in the world. This message was clearly articulated repeatedly by U.S. officials, including by U.S. Assistant Secretary of State Eric P. Schwartz in December 2009, following on the same offer made many times earlier by other U.S. officials. As noted above, both the UNHCR and the Royal Thai Government had, indeed, determined that many among this population to be in need of protection. And the United States, along with many other countries, stood ready to provide third country resettlement as an option, but this course was not allowed.

We understand that hosting vulnerable populations can be a burden. That is why the U.S. continues to help. In Petchabun, we funded all the food, water, sanitation services and

medical care needed for over three years; in Nong Khai, we supported the construction of a temporary shelter on the IDC grounds to relieve the overcrowding in the two cells, and to have adequate space for the provision of medical care and educational activities for the many children.

Despite the regrettable events of December 28th, I believe that Thailand can return to its historical tradition of providing protection and assistance to vulnerable populations. Doing so should not be considered an unfriendly act by neighboring countries, but rather adherence to widely respected international principles and norms. As we have done in the past, the U.S. is committed to assisting Thailand in this continuing effort.

End text.

JOHN